

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

400R0248

HOUSE BILL NO. 1014

Introduced by: The Committee on Agriculture and Natural Resources at the request of the
Department of Game, Fish and Parks

1 FOR AN ACT ENTITLED, An Act to define trophy and nontrophy antelope, mule deer, white-
2 tailed deer, and elk, and establish a civil penalty for the unlawful taking of trophy animals.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 41-1 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Terms, as used in this Act, mean:

7 (1) "Trophy antelope," any antelope with at least one horn greater than fifteen inches in
8 length, as measured along the outside curve from base to tip;

9 (2) "Trophy mule deer," any mule deer having a Boone and Crockett gross score of one
10 hundred seventy points or greater;

11 (3) "Trophy white-tailed deer," any white-tailed deer having a Boone and Crockett gross
12 score of one hundred fifty points or greater; and

13 (4) "Trophy elk," any elk having a Boone and Crockett gross score of three hundred
14 twenty points or greater.

15 The Boone and Crockett score shall be determined using the Boone and Crockett Club's



official scoring system for North American big game trophies as provided in Records of North American Big Game, 12th Edition, The Boone & Crockett Club, Missoula, MT, 2005. For purposes of this section, antlers or skulls may be measured at any time; no drying period is required.

Section 2. That chapter 41-1 be amended by adding thereto a NEW SECTION to read as follows:

For purposes of this Act, any antelope, mule deer, white-tailed deer, or elk not defined as a trophy is considered nontrophy.

Section 3. That § 41-1-5.1 be amended to read as follows:

41-1-5.1. Any person, other than a minor under the age of sixteen years, who willfully and unlawfully kills, destroys, takes, or possesses in this state any wild animal designated by this section:

- (1) Without an applicable and valid big game or small game license; ~~or~~
- (2) At a time or place when and where taking or possession of such regulated wild animal is prohibited; ~~or~~
- (3) In excess of the legal limit of big game if exceeded by one or more; or
- (4) In excess of the legal daily or possession limit of small game bird or fish if exceeded by two or more;

is liable to the state for civil damages.

The civil damages are five thousand dollars for each nontrophy elk, mountain lion, ~~or~~ buffalo, trophy antelope, trophy mule deer, or trophy white-tailed deer; ten thousand dollars for each mountain goat ~~or~~, mountain sheep, or trophy elk; one thousand dollars for each nontrophy mule deer, nontrophy white-tailed deer, nontrophy antelope, or bobcat; two hundred dollars for each turkey; two hundred dollars for each paddlefish; one hundred dollars for each small game

1 bird; and fifty dollars for each fish for any species, other than paddlefish, with an established
2 daily limit of less than twenty-five.

3 If a person has taken or is in possession of more than two times the lawful daily or
4 possession limit of a regulated wild animal, such person is liable for twice the damages provided
5 in this section.

6 However, the return uninjured of the wild animal to the place where captured, or to such
7 other place as the Department of Game, Fish and Parks may direct, constitutes a discharge of
8 such damages. Moreover, the provisions of this section do not apply to any person, who, after
9 providing written notice received by the Department of Game, Fish and Parks, forty-eight hours
10 in advance, takes reasonable actions to protect the person's land, livestock, or crops from serious
11 and extraordinary damages caused by elk, deer, antelope, wild turkey, or mountain lion. Nothing
12 in this section or any other provision of law prevents any person from taking any action
13 necessary to protect the personal safety of that person or any other person who is in immediate
14 danger of harm from a mountain lion or other animal specified in this section.